UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

SCOTT WOODS and SHIHYUN WOODS,	
Plaintiffs,) Civil Action No.) 20-10162-FDS
v.)
TESLA, INC.,)
Defendant.)))

ORDER ADOPTING REPORT AND RECOMMENDATION SAYLOR, C.J.

This is a lawsuit arising out of the purchase of an allegedly defective automobile. Plaintiffs Scott and Shihyun Woods bought a 2017 Tesla Model S 100D from defendant Tesla, Inc.¹ They allege that the car had multiple defects that Tesla did not repair despite repeatedly attempting to do so. They have brought suit against Tesla, alleging, among other things, that it failed to accept a return of the vehicle in violation of the Massachusetts New Vehicle Lemon Law, Mass. Gen. Laws ch. 90 § 7N1/2.

On February 3, 2020, Tesla moved to dismiss the Lemon Law claim for failure to state a claim upon which relief can be granted. It contends that the complaint does not adequately allege either (1) that it had made "a reasonable number of attempts" to fix any defects with the car before plaintiffs tried to return it or (2) that those defects "substantially impair[ed]" the car's use, market value, or safety. *See id.* It further contends that the Lemon Law requires plaintiffs to

 $^{^1}$ It is not entirely clear from the complaint whether they bought the car from Tesla, Inc., or Tesla Motors Massachusetts, Inc. (*See* Compl. ¶¶ 7, 9). The difference does not appear material for present purposes. The complaint also simply names "Tesla" as the defendant; defendant states that its proper name is Tesla, Inc.

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pursue state-certified arbitration before commencing this action. See id.

The matter was referred to United States Magistrate Judge M. Page Kelley pursuant to 28

U.S.C. § 636(b)(1)(B) for a report and recommendation. On June 23, 2020, Magistrate Judge

Kelley issued a report recommending that the motion be denied.

Tesla timely filed an objection to the report and recommendation. See Fed. R. Civ. P.

72(b). It objects to the following conclusions: (1) that the complaint adequately alleged that

Tesla had made a reasonable number of attempts to cure any defects with the car; (2) that the

complaint adequately alleged that the car's defects substantially impaired its use, market value,

or safety; and (3) that the Lemon Law did not require plaintiffs to engage in state-certified

arbitration before they could commence this action.

Upon de novo review of the report and recommendation of the Magistrate Judge, the

Court hereby ADOPTS the recommendation. Accordingly, Tesla's motion to dismiss Count 1 of

the complaint is DENIED.

So Ordered.

/s/ F. Dennis Saylor IV

F. Dennis Saylor IV

Chief Judge, United States District Court

Dated: August 12, 2020

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